

IN THE SUPREME COURT OF FLORIDA

_____)	
TASHARA LOVE,)	SC CASE NO.: SC18-747
)	
Petitioner,)	DCA Case No.: 3D17-2112
)	L.T. Case No.:
vs.)	32015CF0243080001XX
)	
STATE OF FLORIDA,)	
)	
Respondent.)	
_____)	

MOTION BY THE NRA FREEDOM ACTION FOUNDATION FOR LEAVE TO FILE AMICUS BRIEF IN SUPPORT OF NEITHER PARTY

The NRA Freedom Action Foundation (the “Freedom Action Foundation”), by counsel and pursuant to Rule 9.370(a) of the Florida Rules of Appellate Procedure, respectfully submits its Motion for Leave To File Brief as *Amicus Curiae*, and states as follows:

1. The Freedom Action Foundation is a public charity dedicated to provision of non-partisan Second Amendment education to all American citizens.
2. An important function of the Freedom Action Foundation is to ensure that gun owners are registered to vote and educated about issues that affect their fundamental rights, including the right of self-defense.

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3. The Freedom Action Foundation has a strong interest in ensuring that a statute validly enacted by legislative representatives of Florida voters, which safeguards the fundamental right of self-defense, is upheld.

4. In the court below, Petitioner sought a writ of prohibition instructing the trial court to apply Section 776.032(4) of Florida's Stand Your Ground Law. Section 776.032(4) requires the State to prove by clear and convincing evidence that an accused party claiming self-defense immunity is not entitled to immunity under the Stand Your Ground Law. Should the Court rule on the constitutionality of Section 776.032(4), an issue addressed by both courts below, the Freedom Action Foundation can assist this Court by responding to criticisms of the Stand Your Ground Law that have been advanced by some courts.

5. In its brief, the Freedom Action Foundation will argue that Florida's Stand Your Ground Law is in keeping with a longstanding tradition in this State and Nation of protecting the fundamental right of self-defense. Because it uses traditional legislative devices to effectuate substantive rights, the provision at issue in this writ proceeding was well within the Legislature's constitutional authority.

6. The Freedom Action Foundation does not take a position on whether Petitioner is entitled to the writ. The Freedom Action Foundation seeks to file its brief in support of neither party.

7. Florida Rule of Appellate Procedure 9.370(c) provides that “[a]n amicus curiae that does not support either party must serve its brief no later than 10 days after the initial brief or petition is filed.”

8. The Freedom Action Foundation seeks leave to file and serve its amicus brief within 10 days after Petitioner files her initial brief.

9. Petitioner Love and the State do not object to the Freedom Action Foundation’s filing of its brief as *amicus curiae*. See FLA. R. APP. P. 9.370(a).

WHEREFORE, the Freedom Action Foundation respectfully requests that this Court grant its Motion for Leave to File Amicus Brief in Support of Neither Party.

Dated: July 10, 2018

Respectfully Submitted,

/s/ Davis Cooper
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CERTIFICATE OF SERVICE

Pursuant to Rule 2.516(f) of the Florida Rules of Judicial Administration, I hereby certify that the foregoing document has been furnished by e-mail this 10th day of July 2018, to:

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